

Temporary Appointment of County Judges Policy

I. Policy

County judges may locate a replacement as needed by making contact with other county judges. The exception is the circumstance where all judges in the district recuse themselves because of a conflict. In that instance, the AOC should be contacted and an appointment will be made by the Chief Justice. A copy of that appointment should be placed in the court file so there is no appearance that the judges with the conflict had any part of choosing the substitute.

This policy changes the long-standing procedure in the AOC that judges would call and a staff person would locate a substitute judge and arrange for appropriate documentation to be sent to the appointed judge and to the court where that judge was going to sit.

II. Purpose

The purpose of this policy is to allow county court judges to contact other county court judges for non-conflict related cases without an appointment by the Chief Justice.

III. Reference

Neb. Rev. Stat. 24-516 states:

(1) The county judges may interchange and hold each other's court. Whenever requested by a county judge of another county judge district or it appears by affidavit, to the satisfaction of any county judge in the state, that the judge of any other county judge district is unable to act, on account of sickness, interest, or absence from the county judge district or from any other cause, the judge to whom application is made shall have power to make any order or do any act relative to any suit, judicial matter, or proceeding or to any special matter arising within the county judge district where such vacancy or disability exists which the judge of such county court could make or do. The order or act shall have the same effect as if made or done by the judge of such county judge district.

IV. Procedures

- A. If a judge is unable to act due to illness, vacation, or any other reason not related to a conflict, the judge or staff of the county court should contact other county judges to locate a substitute judge. An order of appointment from the Chief Justice is not required, nor does the AOC need to be notified.
- B. If all judges in the district recuse themselves due to a conflict, the AOC should be contacted and a staff member will contact other judges to serve as a substitute judge. Once a substitute judge has been assigned, an order of appointment from the Chief Justice will be prepared and a copy will be mailed to the county court for placement in the file.

Approved February 25, 2009